IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HON'BLE THE CHIEF JUSTICE MR.H.L.DATTU
&
THE HONOURABLE MR. JUSTICE K.M.JOSEPH

WEDNESDAY, THE 12TH DECEMBER 2007 / 21ST AGRAHAYANA 1929

WP(C).No. 9465 of 2007(S)

PETITIONER

R.GOKUL PRASAD,
AGED 39 YEARS,
S/O.LATE A.GOPINATHAN,
SECRETARY,
PEOPLES FORUM FOR NATURAL JUSTICE,
15/397 ALATH HOUSE, NALLEPILLY,
PALAKKAD-678553.

BY ADV. SRI.SANTHEEP ANKARATH

RESPONDENTS:
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1. STATE OF KERALA,
REPRESENTED BY ITS CHIEF SECRETARY,
GOVERNMENT SECRETRIAT,
THIRUVANANTHAPURAM.

2. PRINCIPAL SECRETARY,
HOME DEPARTMENT,
GOVERNMENT SECRETRIAT,
THIRUVANANTHAPURAM.

3. SECRETARY TO GOVERNMENT,
DEPARTMENT OF CIVIL SUPPLIES,
GOVERNMENT SECRETRIAT,
THIRUVANANTHAPURAM.

4. KERALA STATE CIVIL SUPPLIES CORPORATION,
REPRESENTED BY ITS MANAGING DIRECTOR,
THIRUVANANTHAPURAM.

5. DELHI SPECIAL POLICE ESTABLISHMENT,
(CENTRAL BUREAU OF INVESTIGATION),
REPRESENTED BY ITS DIRECTOR, NEW DELHI.

6. UNION OF INDIA, REPRESENTED BY
SECRETARY TO MINISTRY OF HOME AFFAIRS,
CENTRAL SECRETRIAT,
NEW DELHI.

ADDL.R.7. K.T. JOSEPH,
S/O. LATE K.V. THOMAS,
YUVAJANA SAMAGAM ROAD,
KOCHI - 20.

(ADDL. R7 IS IMPLEADED AS PER ORDER DATED 25.5.2007 IN IA NO.5486/07).

ADDL.R.8. R. VIJAYAKUMAR,
S/O. RAJAKRISHNAN,
AGED 38 YEARS, RESIDING AT
6/1963, ANAVATHIL,
COCHIN - 2.

(ADDL. R8 IS IMPLEADED AS PER THE ORDER DATED 25.5.2007 IN I.A. NO.6654/07).

R1 TO R3 BY ADDITIONAL ADVOCATE GENERAL
SRI. VENGANOOR CHANDRASEKHARAN NAIR.
& SR. GOVERNMENT PLEADER SRI. P. K. BABU

R4 BY ADV. SRI.V.J.MATHEW, SC CIVIL SUPPLIES CO.

R5 BY ADV. SRI.S.SREEKUMAR, SC FOR CBI

R6 BY ASSISTANT SOLICITOR GENERAL SRI. P. PARAMESWARAN NAIR.

ADDL. R7. BY ADV. SRI. BECHU KURIAN THOMAS.

ADDL.R8 BY ADV. SRI. A.M. SHAFFIQUE.

THIS WRIT PETITION HAVING COME UP FOR ADMISSION ON 12.12.2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

H.L. DATTU, CJ. & K. M. JOSEPH, J.

W.P.C. NO. 9465 OF 2007 S

Dated this the 12th December, 2007

JUDGMENT

H. L. DATTU, CJ.

Petitioner is the Secretary of Peoples Forum for Natural Justice. The said Forum is a Society registered under the provisions of the Travancore-Cochin (Scientific, Literary & Charitable Societies) Registration Act, 1955 (for short, "the Act"). It is stated in the Writ Petition that it has a declared objective to defend democratic rights and liberties, to strengthen the efforts for recognition and implementation of human rights and to organize a transformation of dynamic social order through democratic rule of law.

2. It is stated in the Writ Petition that persons who were managing the fourth respondent, Kerala State Civil Supplies Corporation, have mismanaged the Corporation and thereby, the Corporation has suffered huge financial loss. It is further stated that persons who were managing the fourth respondent Corporation, by their mis-deeds, have amassed wealth disproportionate to their known source of income. Therefore, a request was made in the Writ Petition that the matter may be entrusted to an independent agency, like the Central Bureau of Investigation, to investigate into the affairs of fourth respondent Corporation and thereafter register a case against the persons who are responsible for the so-called loss caused to the fourth respondent Corporation and then prosecute them before the appropriate Forum.

3. In W.P.(C). No.12968/07, this Court had initially directed the learned counsel appearing for the Central Bureau of Investigation to find out whether the Central Bureau of Investigation could take up the investigation and submit a report before this Court.

4. When this matter came up thereafter before this Court once again, though C.B.I. pleaded its difficulty in taking up the gigantic task of investigation into the affairs of the Corporation right from the year 1995 to May, 2006, we had still directed the Central Bureau of Investigation to investigate into the affairs of the fourth respondent Corporation and submit its Report before this Court.

5. Pursuant to the direction so issued by us, the Central Bureau of Investigation has investigated into the affairs of the fourth respondent Corporation and thereafter has submitted a Report before this Court. That Report we have taken it on record in W.P.(C). No.12968/07.

6. The main relief sought for in the Writ Petition filed by the petitioner Forum, is to direct the Central Bureau of Investigation to investigate and then submit a Report before this Court. Since that direction has already been complied with by the Central Bureau of Investigation in our opinion, nothing survives in this petition for consideration by this Court. Following the Judgment in the said Writ Petition, this Writ Petition requires to be disposed of. We do so.

7. Before parting with the case, it is necessary to notice one of the contentions canvassed by learned counsel for the petitioner. The learned counsel submits that the C.B.I. cannot choose a particular omission committed by the Corporation and enquire only with regard to that particular omission. It is expected of the Central Bureau of Investigation to investigate every minutest omissions committed by the officials of the Corporation, and prosecute the persons responsible for such omissions.

8. In the Report filed by the Central Bureau of Investigation before this Court, it has stated that it has identified the most suitable five cases for investigation and the other cases can be handed over to another Agency or by the State Police Authorities.

9. We do not expect an agency like C.B.I. to go into all sorts of omissions

and commissions committed by the persons who were managing the affairs of the Corporation. After a detailed investigation, they intend to further probe into a few serious, important, sensitive issues, which has large ramifications than to take up all and sundry matters. Those matters can be dealt by the local police authorities, if the State Government entrust those matters to those agencies. Therefore, we do not find any merit in the contentions of the learned counsel for the petitioner.

Ordered accordingly.

H.L. DATTU,
CHIEF JUSTICE

K.M. JOSEPH,
JUDGE

kbk.